

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MICHAEL BRANDON NAUROTH, :  
: :  
Plaintiff(s), : Case Number: 1:07cv539  
: :  
vs. : Chief Judge Susan J. Dlott  
: :  
TOM ARISS, et. al., :  
: :  
Defendant(s). : :  
:

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Timothy S. Black filed on January 5, 2009 (Doc. 30), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired January 23, 2009, hereby ADOPTS said Report and Recommendation.

Accordingly, it is hereby **ORDERED**:

1. Defendant Southern health Partners, Inc.'s motion to dismiss for lack of prosecution (Docs. 16 & 17) are **DENIED**;
2. Dr. Grubb's testimony is limited to information acquired or opinions reached as a result of his treating physician relationship with the Plaintiff;
3. Plaintiff's motion for leave to take Defendant Sheriff Ariss' deposition (Docs. 21 & 22) are **DENIED**;
4. Defendant Sheriff Ariss' motion for summary judgment (Doc. 18) is **GRANTED** and Defendant Ariss is **DISMISSED** from this case; and

5. The Order to Show Cause (Doc. 28) is **VACATED**.

**IT IS SO ORDERED.**

s/Susan J. Dlott  
Chief Judge Susan J. Dlott  
United States District Court